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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058158
Party	Defendant MATTHEW STANLEY
Correspondence Address	MATTHEW STANLEY 416 LA MOTTE LANE FERGUSON, MO 63135 UNITED STATES
Submission	Answer
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Date	12/16/2013
Attachments	Answer.PDF(186015 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PAC ARMOR SECURITY, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92058158
)	
MATTHEW STANLEY,)	U.S. Reg. No. 4,267,712
)	
Registrant.)	Mark: PAC ARMOR SECURITY
)	
)	

ANSWER TO PETITION FOR CANCELLATION

Registrant Matthew Stanley (“Stanley”) in U.S. Trademark Registration No. 4,267,712 (“the PAC ARMOR SECURITY Mark”), provides its Answer to the Petition for Cancellation filed by Petitioner Pac Armor Security, Inc. (“Petitioner”) as follows:

1. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Petition for Cancellation, and accordingly denies the same.
2. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Petition for Cancellation, and accordingly denies the same.
3. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Petition for Cancellation, and accordingly denies the same.
4. Stanley denies the allegations set forth in paragraph 4 of the Petition for Cancellation.

5. Stanley admits that he is the identified owner of record for U.S. Trademark Registration No. 4,267,712 for the services set forth therein. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Petition for Cancellation, and accordingly denies the same.

6. Stanley admits that the U.S. Trademark Registration No. 4,267,712 issued on or about January 1, 2013, based on a first use date in U.S. commerce of August 1, 2008. In further answer, Stanley states that the allegations contained in paragraph 6 of the Petition for Cancellation are conclusions of law to which no response is required. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Petition for Cancellation, and accordingly denies the same.

7. Stanley admits that the application that matured into U.S. Trademark Registration No. 4,267,712 was filed on or about April 30, 2012 under section 1(a) of the Lanham Act, based on first use in commerce on August 1, 2008. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Petition for Cancellation, and accordingly denies the same.

8. Stanley admits that the application that matured into U.S. Trademark Registration No. 4,267,712 was filed under section 1(a) of the Lanham Act and recites a date of first use in commerce of August 1, 2008. Stanley is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Petition for Cancellation, and accordingly denies the same.

COUNT I

9. Stanley repeats and restates his allegations in the preceding paragraphs as if fully set forth herein.

10. Stanley denies the allegations contained in paragraph 10 of the Petition for Cancellation.

11. Stanley denies the allegations contained in paragraph 11 of the Petition for Cancellation.

12. Stanley denies the allegations contained in paragraph 12 of the Petition for Cancellation.

13. Stanley denies the allegations contained in paragraph 13 of the Petition for Cancellation.

14. Stanley denies the allegations contained in paragraph 14 of the Petition for Cancellation.

COUNT II

15. Stanley repeats and restates his allegations in the preceding paragraphs as if fully set forth herein.

16. Stanley admits that the trademark application that matured into U.S. Reg. No. 4,267,712 was published and subsequently registered in the name of owner Matthew Stanley. Stanley further states that the application file history for the application that matured into U.S. Reg. No. 4,267,712 speaks for itself as to its terms and conditions. Except as so expressly admitted, Stanley denies the allegations set forth in paragraph 16 of the Petition for Cancellation.

17. Stanley admits the allegations set forth in paragraph 17 of the Petition for Cancellation.

18. Stanley denies the allegations contained in paragraph 18 of the Petition for Cancellation.

19. Stanley denies the allegations contained in paragraph 19 of the Petition for Cancellation.

Stanley expressly denies that Petition is entitled to any of the relief requested in the paragraph immediately following paragraph 19 of the Petition for Cancellation.

GENERAL DENIAL

Stanley specifically denies each and every allegation in Petitioner's Petition for Cancellation that is not specifically admitted herein.

AFFIRMATIVE DEFENSES

First Affirmative Defense: For further answer, as an affirmative defense, Stanley states that the Petition for Cancellation fails to state a claim upon which relief may be granted.

Second Affirmative Defense: For further answer, as an affirmative defense, Stanley states that Petitioner has waived any claims that it may have against Stanley based on, without limitation, Petitioner's knowing delay in enforcing its alleged rights, including but not limited to the failure of Petitioner's principal to oppose or otherwise object to Registrant's pursuit of the subject mark prior to registration.

Third Affirmative Defense: For further answer, as an affirmative defense, Stanley states that this cancellation action is barred in whole or in part by the equitable doctrine of laches, estoppel, acquiescence and/or unclean hands, particularly in light of Petitioner's prior agreement and endorsement of Registrant's attempt to obtain trademark protection for the subject mark.

Fourth Affirmative Defense: For further answer, as an affirmative defense, Stanley states that Petitioner fails to show that it is damaged and further lacks standing to bring this Petition for Cancellation.

Fifth Affirmative Defense: For further answer, Stanley states that its discovery and investigation continues. Accordingly, Stanley reserves the right to assert additional defenses as they become known as to all claims asserted against them.

WHEREFORE, Registrant Matthew Stanley prays that the Board dismiss Petitioner's Petition for Cancellation with prejudice, that the Board enter judgment in favor of Registrant and against Petitioner herein, and for such other and further relief as the Board deems just and proper.

DATED: December 16, 2013

Respectfully Submitted,

By: /s/ Andrew R. Gilfoil
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was served via first-class mail, postage prepaid, on this 16th day of December, 2013 upon:

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